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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

IN RE: VOLKSWAGEN “CLEAN DIESEL”
 MARKETING, SALES PRACTICES, AND
 PRODUCTS LIABILITY LITIGATION

MDL No. 2672 CRB (JSC)

**MCCABE PLAINTIFFS’ RESPONSE TO
 PRETRIAL ORDER NO. 1 REGARDING
 SETTLEMENT MASTER**

This Document Relates To:

ALL ACTIONS

Judge Charles R. Breyer

The McCabe Plaintiffs¹ represented by Keller Rohrbach L.L.P. respectfully submit this response to the Court’s PreTrial Order Number 1 filed December 9, 2015 (Dkt. No. 2). The Court has already

¹ Keller Rohrbach L.L.P. represents the following Plaintiffs in this litigation: Donald Ardine, Dawn Faron-Ardine, Annie Argento, Peter Armon, Regina Armon, Martha Asaph, Linda Babinski, Scott Bahr, Thomas Barger, Chaan William Beard, Michael Bechauf, Nicholas Bond, Victor Bonilla, Jennifer Bonilla, Jeremy Bowman, Red Bradley, Juliet Brodie, Segundino Butron III, Vikram Chhabra, Scott Coleman, Clare Cooper, Elizabeth Crosson, Matthew Cure, Kate DeNeveu, Zak Dixon, Emily Diznoff, Amy Dvorak, David Ebenstein, Richard Evans, Elizabeth Fisher, Timothy Flynn, Benjamin Foote, DeWayne Fox, Shelby Fruge, Aaron Patrick Gardner, John Gatti, Gerald Gottschalk, David Greczylo, Dan Green, Kristin Green, Bradley Gregory, Hava Gurevich, Carol Hale Wilson, Charles Hall, Dylan Hanson, William Harlan, Nicolas Heiss, Karen Homann, David Hough, Sarah Howard, Duane Inoue, Kimi Janson, Harvey Jassem, Angela Jolly, Jamie Joseph, Bryan Kingman, Cynthia Kirtland, Patrick Kosacek, Janet Levy Pauli, David Litvack, Michael Lorenz, Benjamin Luckett, Robert Marcolini, Madelyne McCabe, Michael McCabe, Leo McCloskey, Karin McCloskey, Matt Moeller, Tammy Moeller, Kevin Morris, Stephanie Nafus, Gerry Nemet, Kenneth Odegard, Kathy Olsen, Tom Olsen, Rachel Otto, Alice Paylor, Robert Perryman, Robert Platner, Snow Proudlove, Jerald Rasor, Laura Ray, William Resh, Gary Rizzato, Joseph Robin, Carl Robinson, William Romesburg, Keri Ross, Pat Ross, Sandra Rossi, John Rowden, James Saul, Drew Schembre, Sara

1 heard from counsel regarding several qualified potential Special Settlement Masters, including the
 2 Honorable Charles B. Renfrew (Ret.), the Honorable Vaughn Walker (Ret.), the Honorable Rebecca
 3 Westerfield (Ret.), Kenneth Feinberg, the Honorable Edward A. Infante (Ret.), and the Honorable Fern
 4 Smith (Ret.).

5
 6 Given the broad-reaching and international scope of the alleged corporate conduct at issue, and
 7 the myriad impacts on consumers and the environment, the McCabe Plaintiffs believe two additional
 8 Settlement Masters should be considered: the Honorable Layn R. Phillips (Ret.), and Professor Francis
 9 E. McGovern of the Duke University School of Law, both of whom have extensive experience in
 10 resolving complex litigation of this nature.

11 1. ***The Honorable Layn R. Phillips*** is one of the most sought-after settlement masters in the
 12 country. After his retirement as a United States District Judge in Oklahoma, Judge Phillips has served
 13 as settlement master and mediator in over 1,000 complex civil disputes, including some of the highest-
 14 profile cases in the country, such as the Hewlett-Packard and Brocade securities litigation matters before
 15 this Court, the National Football League (NFL) Players' Concussion Injury Litigation, the AIG
 16 securities litigation, the Bank of America securities litigation regarding its purchase of Merrill Lynch,
 17 the Merck securities litigation regarding the pain reliever Vioxx, the Bernie Madoff investor suits, and
 18 numerous other sophisticated litigation matters involving domestic and foreign defendants. Judge
 19 Phillips's online biography is available at <http://www.phillipsadr.com/bios/layn-phillips/>.
 20
 21

22 2. ***Professor Francis E. McGovern*** is internationally recognized as one of the most eminent
 23 settlement masters in the country. As detailed in his online biography, available at
 24 <https://www.law.duke.edu/fac/mcgovern/>, Professor McGovern's innovative techniques for resolving
 25

26 Schram, Carrie Scott, Adam Spring, Donald Stave, James Stepahin, Nancy Stirek, Daniel Sullivan,
 27 Nicolas Swisher, Aaron Tarnow, Richard Taylor, Craig Temkin, Raymond Thomas, Donald Varley,
 28 Kathryn Eliza Walsh, Ralph Waterhouse, Alexis Weil, Scott Wetzel, Nathan Wheeler, Eric Wilson,
 Tim Winkel, Charles Woods, Christopher Woods, Paul Wright, Robyn Zelenetz, Scott Zelenetz

1 complex litigation are well-known. He has helped to develop solutions for a wide variety of disputes,
2 ranging from the “Deepwater Horizon” oil rig disaster, to the silicone gel breast implant litigation, to the
3 United Nations Compensation Commission to ensure that Iraq compensates citizens, businesses, and
4 governmental agencies for losses they suffered in the Persian Gulf War.

5 Like the other proposed Special Settlement Masters, Judge Phillips and Professor McGovern are
6 highly qualified and capable mediators who would no doubt do an outstanding job if selected by the
7 Court in this vast and complex case.

8
9 RESPECTFULLY SUBMITTED this 14th day of December, 2015.

10 KELLER ROHRBACK L.L.P.

11
12 By /s/ Lynn Lincoln Sarko

13 Lynn Lincoln Sarko, *pro hac vice*

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19 Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2015, I electronically filed a true and correct copy of the *McCabe Plaintiffs' Response to PreTrial Order No. 1 Regarding Settlement Master* with the Clerk of the Court using the CM/ECF system of the Northern District of California, which will send electronic notification of such filings upon all registered counsel of record.

Additionally, on December 14, 2015, a copy of the foregoing will be sent to the following parties for whom counsel has not yet appeared via U.S. Mail to the addresses listed below:

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I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed at Seattle, Washington, on December 14, 2015.

/s/ Lynn Lincoln Sarko
Lynn Lincoln Sarko